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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,884	03/10/2004	Eugenio Mannella	67,167-003/5706-03	5075

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BIRMINGHAM, MI 48009

EXAMINER
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BARRETT, SUZANNE LALE DINO

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/797,884

Applicant(s)

MANNELLA, EUGENIO

Examiner

Suzanne Dino Barrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/10/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "52" has been used to designate both the "cylinder stop" in Figures 6 and 7 and the rod "female portion" in Figures 8 and 9; also in Figures 11 and 12 the numeral "60" has been used to designate two different structural elements identified as the spindle assembly. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plug "32" attached to the spindle mechanism of Figures 12,13 and the rod "64" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the

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description: rod "64". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

4. The disclosure is objected to because of the following informalities: as discussed above with respect to the drawings, on page 4, paragraphs [28-30], the reference numeral "52" is used firstly for the cylinder stop and subsequently for the female portion of the rod; also on page 4, paragraph [27], "Figure 6" should be --Figure 7--.

Appropriate correction is required.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 3,10,14,17-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The description on page 5 of the embodiment shown in Figures 11-13 is confusing and not understood. As described on page 5, drawing Figure 11 shows the housing (spindle assembly) 12' attached at one end (left end in the drawings) to the plug assembly 14 and at the other end (right end) to a spindle assembly 60. However, Figure 12 shows the same structure identified as the housing 12', now discussed as

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being the spindle assembly 60, and with that assembly 60 attached to an unlabeled member on the left end and another unlabeled portion on the right end further provided with a female portion 62 with opposed cams 66 which, as discussed on page 5, line 10, engages the plug 32. However, the plug 32 is not shown in Figures 11-13 and it is not understood how the plug fits into the spindle assembly of Figure 12. Furthermore, Figure 13 seems to show a different unlabeled element which is discussed as rod "64" on page 5, line 11 having the same structure (elements labeled as 62,66) as shown in Figure 12, but in Figure 12 they are not attached to a rod. Furthermore regarding Figure 13, since the element 62 appears to be fitted to the previously disclosed plug male elements 44,50,42, it is unclear how the plug fits into the spindle assembly 60 in Figure 12 or is the element in Figure 13 a different element having the same male structure as the plug 32? Applicant is requested to clarify the discrepancies between the disclosure and drawings to obviate this rejection and the confusion.

In addition, claims 3,14 and 20 present another issue which needs clarification. In claim 3, in the recitation that the second engagement member (46) comprising a circular member 50 and stop 52 extending therefrom, it is unclear how the stop 52 can **define** an outer diameter. In claims 14 and 20, it is unclear how the second engagement member (described as rectangular element 46 on page 4 and 5 of the specification) can have a diameter, let alone **define** a diameter? (as recited in claim 14 and 20, "said second engagement member defines an outer diameter").

***Claim Objections***

7. Claims 13,19 are objected to because of the following informalities: in claims 13 and 19, line 2, "form" should be --from--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

9. Claims 1,2,4-7,9,11-13,15,16, and claims 3,10,14 as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Huang 6,644,076. Huang teaches a lock assembly comprising a barrel 10, a plug 20 with a rear segment 24 having a groove 243 to receive a retainer 14 and a male member comprising first and second engagement members (stepped elements in two offset planes with a stop

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portion as shown at 242 in Fig.1) recessed within the plug, a torque or spindle rod 15 having a stepped female end 16,17 to engage the offset portions of the male member (at 242), and the retainer 14 having knobs (unlabeled, but discussed in col. 3, lines 58-62) to engage the rear segment grooves 243 to secure the retainer cap to the plug.

Note with regard to claim 8, that Huang teaches the retainer 14 having a frustro-conically shaped portion which engages the grooves 243 (see Figure 3).

10. Claims 17-20 are, as best understood, rejected under 35 U.S.C. 102(b) as being anticipated by Schlage 2,042,025. Schlage teaches a lock and spindle assembly housing comprising a barrel (A), a plug 2 having a rear male segment 3 with first engagement groove 5 and second engagement offset groove 7, and a spindle rod 13 with cylindrical spindle cap 4 having opposed cams 6 to engage the grooves 5 of the rear segment.

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 21 is, as best understood, rejected under 35 U.S.C. 103(a) as being unpatentable over Schlage '025 in view of Huang '076. Huang teaches having the male segment recessed within the rear end of the plug. It would have been obvious to modify



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the rear segment of Schlage to be recessed within the plug as taught by Huang to provide a more secure assembly immune to picking.


**Conclusion**

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the frustro-conically shaped retainer cap 32 of Jacobi 2,348,135.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Dino Barrett whose telephone number is 571-272-7053. The examiner can normally be reached on M-Th 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 572-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Suzanne Dino Barrett  
Primary Examiner  
Art Unit 3676

sdb